

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JACQUIN ENRIQUE TAYLOR,

Case No. 3:21-cv-00434-ART-CSD

Plaintiff,

ORDER

v.

PERRY RUSSELL,

Defendant.

Pro se Plaintiff Jacquin Enrique Taylor brings this action under 42 U.S.C. § 1983 alleging that Defendant Perry Russell violated his Eighth Amendment rights through deliberate indifference to unsafe prison conditions by failing to follow or enforce COVID-19 safety protocols. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No. 33), recommending that Defendant’s Motion for Summary Judgment (ECF No. 30) be granted. Plaintiff did not oppose Defendant’s Motion for Summary Judgment. Plaintiff had until October 6, 2023 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will grant Defendant’s Motion for Summary Judgment.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that

1 the Court “need only satisfy itself that there is no clear error on the face of the
2 record in order to accept the recommendation”).


3 Because there is no objection, the Court need not conduct de novo review
4 and is satisfied Judge Denney did not clearly err. Here, Judge Denney
5 recommends granting Defendant’s Motion for Summary Judgment because
6 Plaintiff failed to exhaust administrative remedies before filing a complaint with
7 this Court. (ECF No. 33 at 5.) Plaintiff did not file a response to Defendant’s
8 Motion for Summary Judgment pointing to any evidence of exhaustion. The
9 Court therefore agrees with Judge Denney. Having reviewed the R&R and the
10 record in this case, the Court will adopt the R&R in full.

11 IT IS THEREFORE ORDERED that Judge Denney’s Report and
12 Recommendation (ECF No. 33) is accepted and adopted in full.

13 IT IS FURTHER ORDERED that Defendant’s Motion for Summary
14 Judgment (ECF No. 30) is GRANTED.

15 The Clerk of the Court is directed to enter judgment accordingly.

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17 DATED THIS 27th day of March 2024.

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20 ANNE R. TRAUM
21 UNITED STATES DISTRICT JUDGE
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